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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,168	09/21/2006	Piero Gandini	72368	5267
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EXAMINER				
SANEI, HANA ASMAT				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,168

Applicant(s)

GANDINI, PIERO

Examiner

HANA A. SANEI

Art Unit

2889

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 9/21/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Preliminary Amendment, filed on 9/21/06, has been entered and acknowledged by the Examiner.

Claim(s) 1-26 are pending in the instant application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim(s) 5-26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the following limitation/phrases: "said first longitudinal element" and "second longitudinal element" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume applicant intended to claim "said first longitudinal element" as – said first element – and "said second longitudinal element" as – said second element --.

Claim 6 recites the following limitation/phrases: "said first support plate" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 6 is properly dependent upon Claim 5.

Claim 7 recites the following limitation/phrases: "said first and second rotating elements" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 7 is properly dependent upon Claim 5.

Claim 8 recites the following limitation/phrases: "said first and second cap" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 8 is properly dependent upon Claim 7 and that "first and second cap" was intended to be -- first and second coaxial cap --.

Claim 9 recites the following limitation/phrases: "said rotating group," "said first rotating group," and "said second rotating group," in lines 2-4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 9 is properly dependent upon Claim 5.

Claim 10 recites the following limitation/phrases: "said rotating group," "said first rotating group," and "said second rotating group," in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 10 is properly dependent upon Claim 5.

Claim 11 recites the following limitation/phrases: "said blocking means," "said first rotating element," and "said second rotating element" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 11 is properly dependent upon Claim 10.

Claim 12 recites the following limitation/phrases: "said first engaging members" in line 2. There is insufficient antecedent basis for this limitation in the claim. For

purposes of examination, Examiner will assume that Claim 12 is properly dependent upon Claim 11.

Claim 13 recites the following limitation/phrases: "said insert" and "said second rotating element" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 13 is properly dependent upon Claim 11.

Claim 14 recites the following limitation/phrases: "said third cap" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 14 is properly dependent upon Claim 13.

Claim 15 recites the following limitation/phrases: "said insert," "the lateral wall," and "said second rotating element," and "said check device," in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 15 is properly dependent upon Claim 14.

Claim 16 recites the following limitation/phrases: "said elastic element" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 16 is properly dependent upon Claim 12.

Claim 17 recites the following limitation/phrases: "said insert," "said check device," and "said helicoid spring" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 17 is properly dependent upon Claim 15.

Claim 18 recites the following limitation/phrases: "said annular housing," "said annular base," "said insert," "said check device," and "said lateral wall," in lines 2-4.

There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 18 is properly dependent upon Claim 17.

Claim 19 recites the following limitation/phrases: "said rotating group," "said insert," and "the check device" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 19 is properly dependent upon Claim 18.

Claim 20 recites the following limitation/phrases: "said engaging means," "the annular base," "the insert," "the lateral wall," and "said check device," in lines 2-5. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 20 is properly dependent upon Claim 19 and that applicant intended to claim "said engaging means" as – an engaging means --.

Claim 21 recites the following limitation/phrases: "said first and second engaging means," "the lateral wall," and "the second flange" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 21 is properly dependent upon Claim 20.

Claim 22 recites the following limitation/phrases: "the second flange," "the second rotating element," and "the second plate" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 22 is properly dependent upon Claim 8.

Claim 23 recites the following limitation/phrases: "said third engaging device" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 23 is properly dependent

upon Claim 12 and that applicant intended to claim "said third engaging device" as – a third engaging device --.

Claim 24 recites the following limitation/phrases: "said fifth screw engaging members," "the first flange," and "the first rotating element," and "the first plate," in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 24 is properly dependent upon Claim 8 and that applicant intended to claim "said fifth screw engaging members" as – a fifth screw engaging members – as well as "the first plate" as -- the first supporting plate --.

Claim 25 recites the following limitation/phrases: "said first longitudinal element" and "second longitudinal element" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that Claim 25 is properly dependent upon Claim 5 and that applicant intended to claim "said first longitudinal element" as – said first element – and "said second longitudinal element" as – said second element --.

Claim 26 recites the following limitation/phrases: "said longitudinal element" and "said second longitudinal element" and "said engaging elements" in lines 3-12. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner will assume that applicant intended to claim "said longitudinal element" as – said first element – and "said second longitudinal element" as – said second element – and "said engaging elements" as – an engaging element --.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1-2, 4-6, 10-12, 16, 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jendrewski et al (DE 2918532 A1) as cited by applicant.

Regarding Claim 1, Jendrewski teaches a first and respectively second elements (2, 3, "housing upper part" and "housing lower part," respectively, Page 2, ¶¶ 8-10, see at least Fig. 2) with longitudinal elongation placed in line, having at one of their ends, a first flat base and respectively a second flat base (α , β , flat surface of each end 2, 3, where joined) on an inclined plane with respect to the corresponding longitudinal axis (inclined with respect to axis A), and a first and respectively a second straight sections (opposed 2, 3 joint) having the same external perimeter, and wherein said first and second flat bases (α , β) rest on a common contact plane, have the same external perimeter and turn on a common axis of rotation passing through their center at right angles to said contact plane (as depicted in Fig. 2).

Regarding Claim 2, Jendrewski teaches that said first base and second base (α , β) have a circular perimeter ("circle-cylindrical," Page 1, ¶ 5-9).

Regarding Claim 4, Jendrewski teaches that said first and second straight sections (opposed 2, 3 joint) respectively are in correspondence with said end of said first element and, respectively, second element with longitudinal elongation (2, 3,

"housing upper part" and "housing lower part," respectively, Page 2, ¶ 8-10, see at least Fig. 2).

Regarding Claim 5, Jendrewski teaches a rotating group (pair of 11) having at least one first (1st 11, "cylindrical approaches," Page 2, ¶ 9-11) and, respectively, second rotating elements (2nd 11) turning on said axis of rotation and constrained in respect to the translation along said axis of rotation, and means of support for said rotating group comprising a first support plate (1st surface of 1st one of 11) of said first rotating element (1st 11) associated with said first longitudinal element (2), and a second plate (1st surface of 2nd 11) associated with said second longitudinal element (3) and engaged with said second rotating element (2nd 11).

Regarding Claim 6, Jendrewski teaches that said first support plate (1st surface of 1st one of 11) holds said rotating group (1st 11 & 2nd 11) positioning it through said contact plane.

Regarding Claim 10, Jendrewski teaches that said rotating group (pair of 11) comprises furthermore blocking means (23, "closing flap") to arrest the relative rotation step by step between said first and second rotating elements (pair of 11).

Regarding Claim 11, Jendrewski teaches that said blocking means (23) comprise an insert (flap) rotating together with said first rotating element (1st 11) and sliding along said axis of rotation, and first engaging members (20, "rubber" formed in the labyrinth, Page 2, ¶ 11-12) between said insert (23) and said second rotating element (2nd 11) which can become engaged at each step of said rotation.

Regarding Claim 12, Jendrewski teaches that said first engaging members (20) comprise a first group of engaging devices (1st side of 20) and a second group of engaging devices (2nd side of 20) kept in contact, in contrast and through the action of a elastic element ("rubber," Page 2, ¶ 11-12).

Regarding Claim 16, Jendrewski teaches that said elastic element comprises a helicoid spring ("within the labyrinth a cylindrical sleeve is 15 16 arranged with a spiral compression spring," Page 2, ¶ 10-11).

Regarding Claim 25, Jendrewski teaches that said first longitudinal element (2) holds and is associated with at least one lighting element and said second longitudinal element (3) forms a support for said lamp or vice versa.

Regarding Claim 26, Jendrewski teaches a first and second elements (2, 3, "housing upper part" and "housing lower part," respectively, Page 2, ¶ 8-10, see at least Fig. 2) with longitudinal elongation rotating on a common axis of rotation passing at right angles through the center of a contact plane along which a first flat base (α , flat surface of each end 2, 3, where joined) of said first element (2) is associated and a second flat base (β , flat surface of each end 2, 3, where joined) of said second element (3), characterized by the fact that of providing a rotating group (pair of 11) having a first (1st 11, "cylindrical approaches," Page 2, ¶ 9-11) and second rotating element (2nd 11) relatively turning on said axis of rotation and secured in respect to the translation along said axis of rotation; applying said rotating group (pair of 11) to said first element (2); fixing said first rotating element (1st of 11) to a first support plate (1st surface of 1st one of 11) secured to said first element (1st 11); applying a second plate (1st surface of 2nd 11)

to said second element (3), fitting said second plate (1st surface of 2nd 11) into said second rotating element (2nd 11) by mechanical pressure (any formation employs "mechanical" pressure), turning said first element in respect to said longitudinal element so as to offset said first base in respect to said second base (result configuration of Fig. 2) in order to uncover the locations of engaging screws (27, "screw connection") between said second rotating element (2nd 11) and said second plate, and screwing an engaging elements (20, "rubber" formed in the labyrinth, Page 2, ¶ 11-12) into relative locations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jendrewski et al (DE 2918532 A1).

Regarding Claim 3, Jendrew teaches that fsaid first base and second base have a square perimeter.

Regarding Claim 3, Jendrewski teaches the invention set forth above (see rejection in Claim 1 above). Jendrewski fails to teach the first and second base having a square perimeter.

At the time the invention was made, it would have been an obvious matter of design engineering to a person of ordinary skill in the art to provide the first and second base having a square perimeter since applicant's claimed shape does not solve any of the stated problems or yield any unexpected result that is not within the scope of the teaching applied. Furthermore, one skilled in the art would reasonably expect applicant's invention to perform equally well with **any** shape as disclosed by applicant's specification ¶ [0023]. Accordingly, it would have been an obvious matter of design engineering to modify the device of Jendrewski to obtain the invention as specified in claim 3.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hana A. Sanei whose telephone number is (571)-272-8654. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hana Asmat Sanei/

Hana Asmat Sanei
AU 2889 Patent Examiner